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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 CHAUNCEY PARKER, CASE NO. CV-F-05-0270 REC DLB
12 Plaintiffs, _____ ORDER VACATING FINDINGS
13 AND RECOMMENDATION
14 _____ ORDER ADMINISTRATIVELY
15 CLOSING ACTION
16 vs.
17 FOSTER FARMS DAIRY, et al.,
Defendants.

19 Plaintiff is proceeding pro se with a civil action concerning employment discrimination in this
20 Court. On February 24, 2005, the Court issued an Order directing plaintiff to file a second amended
21 complaint within 30 days. The Court also ordered plaintiff to file a completed application to proceed
22 in forma pauperis or pay the required filing fee within 30 days. On March 31, 2005, the Court granted
23 Plaintiff's request for an extension of time to file the second amended complaint. On May 11, 2005, the
24 Court granted a second request for a 30-day extension of time to file the second amended complaint.
25 Under the impression that plaintiff failed to comply with the Order, the Court issued a recommendation
26 on August 1, 2005 to dismiss the action based on plaintiff's failure to comply with the Court's order.
27 However, review of the Court's docket reveals that plaintiff filed an amended complaint and application
28 to proceed in forma pauperis as ordered by the Court on June 10, 2005. However, the Clerk

1 inadvertently opened a new file 05-0748 AWI LJO. Accordingly, the Findings and Recommendation
2 issued August 1, 2005 is HEREBY VACATED and this action is administratively closed. This case
3 shall proceed under case number 05-0748 AWI LJO.

4 IT IS SO ORDERED.

5 **Dated: September 7, 2005**
3b142a

6 /s/ Dennis L. Beck
7 UNITED STATES MAGISTRATE JUDGE
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